THE HON'BLE SRI JUSTICE K.C. BHANU

W.P.No.18647 of 2004

DATE:03-08-2005

Between:

1 Express Publications (Madurai) Ltd,

Behind Bluemoon Hotel, Begumpet, Hyderabad.

..... PETITIONER

AND

1 The Industrial Tribunal-I, Chandra vihar, Nampally, Hyderabad
and another

RESPONDENTS

THE HON'BLE SRI JUSTICE K.C. BHANU

W.P.No.18647 of 2004

ORDER:

Challenging the order passed by the first respondent-Tribunal in I.D.No.3 of 2003, dated 10-08-2004, the present writ petition is filed.

The short contention raised in this writ petition is that as per Section 17 (2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, the State Government has to refer the dispute to the Labour Court, whereas the contention raised by the learned counsel for the respondents is that as per Section 7 (A) of the Industrial Disputes Act, 1947 (for short the 'I.D. Act'), the dispute has to be decided by the Industrial Tribunal.

Without entering into the merits, it is to be seen whether the issue involved in this writ petition or the subject matter, which has been referred to by the Government, is to be triable by the Industrial Tribunal or the Labour Court. But, the third respondent is having powers to transfer the dispute under Section 33 (B) of the I.D. Act. It is not disputed before this Court that the Additional Industrial Tribunal-cum-Labour Court is having both the powers of territorial jurisdiction and power to deal with the subject matter in dispute.

Therefore, without expressing any opinion, the third respondent-Government is directed to exercise its power under Section 33 (B) of the I.D. Act in transferring the proceedings from the file of the Industrial Tribunal-I, Hyderabad to the file of the Additional Industrial Tribunal-cum-Labour Court. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The Government is directed to pass appropriate orders in conducting the case

from the stage where it was stopped in the Industrial Tribunal.

Since the Government is a proforma party and it can exercise its powers under Section 33 (B) of the I.D.Act, the direction was given.

Accordingly, the writ petition is disposed of. No order as to costs.

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K.C.BHANU, J

Dated August 03, 2005.

YCR